IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 5TH JUNE 2007 / 15TH JYAISHTA 1929

OP.No. 20996 of 1999(Y)

PETITIONER:

DEEPA.R. DEEPTHI HOUSE,
W. VELIYATHUNNADU.P.O.,
ALWAYE - 683 511.

BY ADV. SRI.D.SREEKUMAR.

RESPONDENTS:
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1. **THE CHAIRMAN, REPCO BANK LIMITED,**
   112, THIYAGAVAYA ROAD, T. NAGAR,
   MADRAS - 17.

2. **THE MANAGING DIRECTOR, REPCO BANK LTD.,**
   112, THIYAGAVAYA ROAD, T. NAGAR,
   MADRAS-17.

3. **BRANCH MANAGER, REPCO BANK LIMITED,**
   VAYALUNKAL HOUSE, MARKET ROAD,
   PUNALUR - 691 305.

4. **BRANCH MANAGER, REPCO BANK LIMITED,**
   THIRUVANANTHAPURAM.

BY ADV. SRI.U.K.RAMAKRISHNAN,
SRI.E.K.MADHAVAN,
SRI.P.V.LOHITHAKSHAN,
SRI.V.KRISHNA MENON.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 05/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P. NO. 34687/1999 IN O.P. NO. 20996/1999

DISMISSED

05/06/2007. **SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE.**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE APPOINTMENT ORDER NO. RC. 6347/95/MDS DT. 17/12/1996 ISSUED BY THE R.2.

EXT.P.2: COPY OF THE ORDER RC.4563/92/G1 DT. 12/05/1998 ISSUED BY THE R.2.

EXT.P.3: COPY OF THE SHOW-CAUSE NOTICE NO. 35/98-99/ESTT/PUN. DT. 08/10/1998 ISSUED BY THE R.3.

EXT.P.4: COPY OF THE REPLY SENT BY THE PETITIONER TO THE R.3. ON 15/10/1998.

EXT.P.5: COPY OF THE MEMO EMP 189/98/G1 DT. 1/10/1998 ISSUED BY THE R.2. TO THE PETITIONER.

EXT.P.6: COPY OF THE PROCEEDINGS NO. 189/99/GAD DT. 09/06/1999 ISSUED BY THE R.2.

RESPONDENT'S EXHIBITS:

EXT.R1.A: COPY OF THE MEMO DTD. 18/03/1998.

EXT.R1.B: COPY OF THE MONTHLY REPORT FOR JANUARY 1998 SUBMITTED BY THE PETITIONER.

EXT.R1.C: COPY OF THE MONTHLY REPORT FOR FEBRUARY 1998 SUBMITTED BY THE PETITIONER.

//TRUE COPY//

prv.

THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No.20996 of 1999-Y

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Dated this the 5th day of June, 2007.

JUDGMENT

Petitioner challenges Exts.P5 and P6.

2. Petitioner entered the service of the Repco Bank Limited, which is a Government of India undertaking. By Ext.P1, she accepted the conditions imposed on her for appointment. As per Ext.P3, she was called upon to submit explanation in view of her absence and the leave applications. By Ext.P5, the respondents found on a review of her performance, that she was on leave for 83 days during the extended probation and that she had no proper exposure to the several operational areas in the Branch. Accordingly, the probation was extended for a further period of six months with effect from 26-6-1998. Obviously, for reasons disclosed in Ext.P5, the employer was not satisfied of the fact situation to declare that the petitioner had duly completed her probation period. Thereafter, as per impugned

Ext.P6, in exercise of Service Regulation No.22(15) of Repco Bank (Clerical & Subordinate Staff) Service Regulations, 1994, the services of the petitioner were dispensed forthwith on 9-6-1999. That regulation, as quoted in Ext.P6, provides that an employee who has been continuously absent for a period of six months shall forfeit her lien over the post.

It is the situation that the employer was not satisfied that the petitioner had duly completed her probation. They cannot, therefore, be found fault with for not having declared the satisfactory completion of her probation period. Under such circumstances, there is no reason to interfere with the removal of the petitioner from service on account of her long absence. No grounds are made out. Dismissed.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-

THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No.20996 of 1999-Y

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JUDGMENT

Dated: 5th June, 2007.